

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF S.F. BUD
CALDWELL from the decision of the Board of
Equalization of Valley County for the tax year 2007.

) APPEAL NOS. 07-A-2756
) AND 07-A-2757
) FINAL DECISION AND
) ORDER

PROPERTY APPEAL

NOTICES OF APPEAL were filed September 15, 2007, by Appellant, from decisions of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel Nos. RP 17N03E085455 and RP 17N03E085465. As a matter of convenience, Appellant requested that these appeals be heard on the written record of evidence and argument presented, without appearance at a hearing. This Board subsequently requested that all information and evidence to be considered be submitted by both parties. The Board now issues its decision based upon the documentary record.

The issue on appeal is the market value of residential property.

The decision of the Board of Equalization is affirmed.

FINDINGS OF FACT

Parcel No. RP 17N03E085455

The total assessed land value is \$142,270. Appellant requests the land value be reduced to \$103,500.

The subject property is 5 acres, with 4.867 acres of rural residential tracts and 0.133 acres of waste land.

Parcel No. 17N03E085465

The assessed land value is \$142,270, and the improvements' value is \$63,340, totaling \$205,610. Appellant requests the land value be reduced to \$103,500, and the improvements' value was not contested, totaling \$166,840.

The subject property is 4.867 acres of rural residential land and 0.133 acres of waste land improved with a one bedroom, one bath cabin located in Valley County.

Appellant asserted that, based on information provided by two local Realtors, the assessed values of subject properties were too high. The Realtors told Taxpayer that property in the area was not selling, asking prices were being lowered by sellers, and that property which once sold at high prices was no longer moving. In the opinion of the Realtors, properties in the area could not sell for prices anywhere near the assessed values that were placed on them even a year ago. Real estate values had fallen across the nation and the real estate boom had passed. Additionally, Taxpayer asserted that there had been an influx of people who wanted properties in Tamarack, which had resulted in inflated prices.

The Realtors provided Taxpayer with listings for properties located in the same area as subjects, all of which had no prospective buyers. The listings were all vacant lots and ranged in acreage from 4.05 to 5.63 acres and in asking price from \$123,900 to \$275,000. The listings were dated in 2006 and 2007.

Taxpayer stated that subjects were not located in a development area. There were no underground utilities, paved roads, water access, ski hill, trees or views. In addition, the view of surrounding property was detrimental to the value of subjects.

The Assessor submitted a history of the assessed values . The 2006 lot values were \$103,500 each and the 2007 values were \$142,270. The County stated that the assessed values for the 2007 tax year were based on market value and determined from a model developed from sales data of similar properties located in comparable neighborhoods in the county. Assessor stated that property values had shifted significantly in recent years in a strong, upward trend, which trend continued through tax year 2006. The County maintained assessed

values were applied to properties as uniformly as possible.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following conclusions.

Idaho is a market value state for property tax purposes. The Code also defines market value.

Idaho Code § 63-201(10)

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The lien date for the current assessments of subject properties is also defined in Idaho Code.

ASSESSMENT -- MARKET VALUE FOR ASSESSMENT PURPOSES.

(1) All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12 01 a.m. of the first day of January in the year in which such property taxes are levied, except as otherwise provided. Market value for assessment purposes shall be determined according to the requirements of this title or the rules promulgated by the state tax commission.

Appellant submitted several listings of vacant lots, to support a reduction in the assessed values of subjects. The listings were dated in 2006 and 2007. No comparison was made between the listed properties and the subjects, in respect to location, size, amenities, or positive or negative factors. The listings ranged from \$123,900 to \$275,000 for the vacant land properties. Subject lots are assessed for \$142,270 each and the improvement is assessed for

\$63,340.

Appellant also relayed conversations with Realtor concerning the conditions of the real estate market in subject area as well as in general. We do not doubt the general comments, however specific information was not submitted for the Board to consider in relation to subject's immediate assessed value.

The County maintained the assessed values were based on a model developed from sales of similar properties, however, further supporting information was not offered.

"A presumption of constitutionality attaches to state taxing decisions; the opposing party shoulders the burden of overcoming such presumption." Justus v. Board of Equalization, 101 Idaho 743, 747, 620 P.2d 777, 781 (1980).

"The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the] evidence that he is entitled to the relief claimed." Board of County Comm'rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

In this case the Board finds Appellant has not provided with a preponderance of evidence that the assessed value of subject parcels is in error, or that an adjustment to the assessed value is warranted.

Therefore, the decisions of the Valley County Board of Equalization are affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED APRIL 3, 2008